

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA, et al., : CASE NO. C-1-02-107
Plaintiffs, : JUDGE S. ARTHUR SPIEGEL
-VS- : MAGISTRATE HOGAN
BOARD OF HAMILTON COUNTY :
COMMISSIONERS, et al., : REQUEST FOR REVIEW
Defendants. :
:

I, Barbara Rainey, request that the Court review my Water-in-Basement claim, pursuant to the Court's February 2, 2006, Order. Attached hereto is the information detailing the nature of my dispute.

Respectfully submitted,

Barbara Rainey
Signature

Barbara Rainey
Name (print)

September 8, 2008
Date

00 SEP -9 PM 3:35

INFORMATION FOR REQUEST FOR REVIEW

Name: Barbara & Kerin Rainey

Address: 12183 Elkwood Drive

Cincinnati, Ohio 45240

Phone: (513) 825-2732

Nature of dispute and description of your disagreement (attach additional pages if necessary):

Date of City's decision (please attach): _____

Describe the Relief that you are seeking and any evidence that you have to support your claim. Please attach your original claim and other documents (receipts, photos, videos, etc.) that you would like the Court to review:

Check one:

- ☒ I would like to appear in person to explain my position to the Court.
- ☐ I do not need to appear in person. I would like the Court to issue a decision based on its review of this form and the attached documents.

Signature: Barbara Rainey

Date: September 8, 2008

**** File this form and any relevant documents at the Clerk of Court's office in Room 103 of the Federal Courthouse, 100 E. 5th Street, Cincinnati, OH 45202; and send a copy to the City of Cincinnati, c/o Terry Nestor, 801 Plum St., Room 214, Cincinnati, OH 45202, and/or Fax: 513-352-1515.**

Barbara and Kevin Rainey
12183 Elkwood Drive
Pleasant Run Farms, Ohio 45240

09/09/08

Subject: MSD decision dispute

To Whom it May Concern

The Metropolitan Sewer District (MSD) – Water In Basement (WIB) program is an excellent project when all the factions are working properly. Its intent is to restore damaged properties, when MSD is at fault, to the same quality or level before the mishap.

Our MSD mishap took our very cozy basement and turn it into an extension of the sewer. The sewer water destroyed our personal property and the hired crew destroyed most of the salvageable property but most of all destroyed the structural walls and permanent fixtures of our basement.

The following is intended to describe the nature of our disagreement with the decision of (MSD) – (WIB) program concerning our claim.

The contracted staff for MSD – WIB program cut the drywall of the inner and outer walls 30' – 38'. They also cut the permanent fixtures in some cases in thirds. In several cases destroying the wall because of the careless nature in which they removed the objects. The inner walls were studded with metal beams instead of wood and the beams were destroyed because of the saw used to cut the drywall. Electric sockets close to the baseboards were also destroyed due to their sloppy and barbaric methods. (attached are photos that show the irresponsible workmanship).

The estimates that were submitted did not take into account:

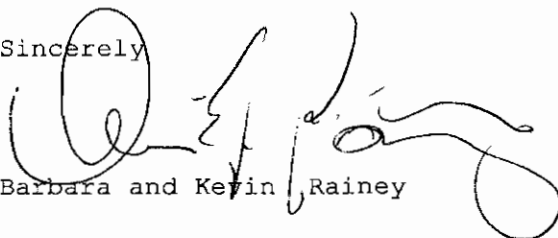
1. Damage control – the man hours and material used to repair the structure damage,
2. Clean up – clean up after damage control
3. Restoration – the complete man hours and material it would take to restore the basement to its original form.

All of which was not included in the estimate of the restoration. Enclosed is the two estimates one given to determine. The other given by the contractor who checked, measured and is doing the work.

We ask that the decision be reviewed to compensate for the sloppy, careless and additional damage and humiliation.

Sincerely

Barbara and Kevin Rainey

A handwritten signature in black ink, appearing to be a stylized combination of 'B' and 'K' followed by a surname, written over the printed name 'Barbara and Kevin Rainey'.

**CLAIMS REVIEW INFORMATION
(MSD WATER-IN-BASEMENT PROGRAM)**

- The Metropolitan Sewer District (MSD) created a Water-in-Basement (WIB) response program as part of a Federal Court Order to address problems with the Hamilton County sewer system.
- Under the WIB program, homeowners may have rights if they have sewer-related backups in their homes. For example, the City of Cincinnati and MSD must pay damages to homeowners caused by capacity-related backups.
- If you disagree with the City's decision on your claim, you may request a review of the decision by the Judge in Federal Court. Attached is a form that you can use to request a review.
- Information about completing the form:
 - You should file your Request for Review within **90 days** from the date of the City's decision to file a Request for Review.
 - If you need more than 90 days to prepare and file your Request for Review, contact the Legal Aid Ombudsman at (513) 362-2801 for information on how to request more time.
 - To prepare and file your Request for Review form, you need to:
 - ❖ Describe the nature of your dispute;
 - ❖ Attach a copy of the City's decision;
 - ❖ Specify the part of the City's decision that you disagree with;
 - ❖ Attach any relevant information or documents that support your position (receipts, photos, etc.);
 - ❖ Indicate whether you want a hearing before the Judge, or whether you want to submit a claim on the documents alone. (Note: the City might request a hearing even if you don't want one!)
 - ❖ **File your form in Room 103 of the Federal Courthouse at 100 E. 5th Street, Cincinnati, 45202, and send a copy to the City of Cincinnati, c/o Terry Nestor, 801 Plum St., Room 214, Cincinnati, OH 45202, and/or Fax: 513-352-1515.**
- The City has 30 days to file a response to your request for review.
- The Court should give you a hearing (if you want one) within 30 days of your request and a decision within 10 days of your hearing.
- The Ombudsman will not represent you at your Review Hearing. You can appear on your own, or you can bring an attorney.
- The Court will review all of the evidence presented by you and by the City or MSD. The Court can only consider your claim based on evidence you present (e.g., photos, receipts, etc.).
- **Call the Legal Aid Ombudsman at (513) 362-2801 if you have any questions or for more information.**

General Restoration/Renovation Specialist

PROPSAL

PROPERTY OWNERS:

BARBER/KEIVN RAINEY

JOB LOCATION:

12183 Elmwood Dr

Cinn, Ohio 45240

Glass Block Plus has agree to do the following interior basement renovating as follow:

CLEAN UP:

Remove all rust damage metal studs and electric out let boxes

Remove all moisture damage insulation

Remove all moisture damage carpet

Disinfect all area of the basement from mold and mildew

BASEMENT RENOVATING:

Install moisture barer as needed

Install R-13 insulation

Install 30 sheets of ½ inch dry wall

R/R all electric out let boxes and wire

Install vinyl and carpet flooring though out basement

Prim and paint entire basement as needed

Glass Block Plus estimate the total cost of this renovation job is \$9486.00

Labor and materials included

All renovations that is completed has a 3 year warranty

All payments must be as follow:

1)\$3000.00 upon completion of clean up

2)\$3000.00 upon installing and finishing all insulation and dry wall

3)\$3486.00 upon completion of all renovations

Please allow 30 days for a completion date

SIGATURES: _____

SIGATURE: _____

DATE: _____

[illegible]

Estimate Summary Form

Company: PARKLANE SERVICES Estimator: KIRK Date: 4-17,2008

Job: KEVIN RAINEY Checked by: _____ Date: _____

Address & phone n12183 ELKWOOD DR CINN,OHIO Estimate #

Job Description	BASEMENT WORK	Estimate due.

CSI Division/Account: PH-942-5666

Estimate Detail Page & Account	Item Description	Material Cost	Labor		Equip. Cost	Sub- contract Cost	Total Cost
			Manhours	Cost			
	INTERIOR BASEMENT						
	REPLACE DRYWALL IN BASEMENT						
	FINNISH DRYWALL BASEMENT						
	INSTALL 2 NEW DOORS AND FRAMES						
	FRAME AREA OF INSTALLATION						
	PRIME AND PAINT ALL NEW DRYWALL						
	INSTALL NEW CARPET IN AREAS WHERE OLD CARPET WAS REMOVED						
	ALL DRYWALL,LUMBER,DOORS CARPET AND MISC MATERIALS ARE INCLUDED						
	Subtotal, direct job costs						
	Supervision, overhead & profit						
	Total						\$4,976.00



WIB PROPERTY OFFSITE DISPOSAL REPORT

WIB No. 2140Customer Service Representative: Kate ScarpinskiCustomer Name: Kevin Rainey 12183 ELKWOODAddress: ~~163 S. 2nd St.~~ City: Cincinnati Zip: 45240

Item Description	Quantity	Comments
ironing board	1	
1145	5	Shoes
Video game systems	4+ acc.	Xbox, playstation, compute. race game
Rug	1	sega + games for all, memory cards
Boxes	1 full bag	
Closet / rail away	1	Tepp.
linoleum tile - 1 box	1	
Bag	1	Toys cans, hangers, shoes,
chair	2	
table - end table	1	
luggage	1	
Basketball game	1	
briefcase	1	
Fisher Price Interactive	1	
DVD Wrack	1	
Wallpaper	4 full rolls	
Infant rocker	1	
princess costumes	6	
toy box - filled	1	
basin	1	
toy kitchen	1	
dance maker	1	
electronic game mat	1	

Toys - 10 industrial sized bags

Cleanup Contractor: _____

Date: 3/28/08

Employee Signature: _____

Customer Signature: _____

Printed Name: Barbara RaineyDate: 3-28-08

By signing this report, I agree that the items listed above will be disposed of offsite and are eligible for inclusion in my claim.

Bissell Carpet Cleaner

Clarion White House Anticleaner

Inflatable Mattress (Queen)

6 tin Bookshelf

Electric Horsehoe maker mat

Dresser / w Mirror

2 Computer Desk

2 Computers

2 cushions for papillon Chairs

Hanging Cabinet (Wood)



WIB PROPERTY OFFSITE DISPOSAL REPORT

WIB No. 2518Customer Service Representative: Kate ScarpinskiCustomer Name: RaineyAddress: 131 83 ElkwoodCity: OrinZip: 45040

Item Description	Quantity	Comments
Bissel Vacuum	1	
Carpet		
bag of boxes	1	
chair	1	
Printer, keyboard	1 1	Compag + Canon
Comforter	1	
Papasan Chair	1	
Boombox	1	1936 Ford coupe, 67 Mustang
model cars	2	
books	1 bag	School books, hard cover
Stuffed animals	1 bag	
cat entertainment ch.	1	handmade
Cabinets	2	
Shelves	1	
paper shredder	1	
desk	2	
magic kingdom castle	1	
posters	2	

Cleanup Contractor: _____

Date: 3/25/08Employee Signature: [Signature]Customer Signature: [Signature]Printed Name: X Barbara RaineyDate: X 3-25-08

By signing this report, I agree that the items listed above will be disposed of offsite and are eligible for inclusion in my claim.







**METROPOLITAN SEWER DISTRICT
OF GREATER CINCINNATI**

1600 Gest Street
Cincinnati, Ohio 45204
513•244•1300
www.msdc.org

May 27, 2008

Barbara and Kevin Rainey
12183 Elkwood Drive
Cincinnati, Ohio 45240

James A. Parrott
Executive Director

RE: Water in Basement claim at 12183 Elkwood

Dear Mrs. and Mr. Rainey:

I am enclosing a check from the City of Cincinnati in settlement of your Water in Basement claim.

Sincerely,

Dorothy Carman
Assistant City Solicitor

enc.

Customer Service
513•352•4900

Emergency Service
513•352•4900





**METROPOLITAN SEWER DISTRICT
OF GREATER CINCINNATI**

1600 Gest Street
Cincinnati, Ohio 45204
513-244-1300
www.msdc.org

James A. Parrott
Executive Director

May 12, 2008

Barbara and Kevin Rainey
12183 Elkwood Drive
Cincinnati, Ohio 45240

RE: Water in Basement claim for 12183 Elkwood

Dear Mrs. and Mr. Rainey:

Enclosed is a release for your signature for the above-referenced claim. Please sign this release and return it to me at your convenience. The second copy is for your records. The offer breaks down as follows: \$6,500 for personal property; \$6,495 for repair work estimate; \$2,583 for air cleaner.

After you have signed and returned this release to me, I will forward to you the City of Cincinnati's check in settlement of your claim. Please do not alter the release, as it will delay settlement of your claim. If you have any questions about this release, please call me at 557-7134.

If you disagree with the City's disposition of your claim, in accordance with an order in the Consent Decree case, Federal District Court case # C-1-02-107, you may file a Request for Review with the Federal Court in Cincinnati, Ohio. You should file your Request within 90 days with the Clerk's Office of the Federal Court located in the Potter Stewart U.S. Courthouse, Room 103, 100 East 5th Street, Cincinnati, Ohio 45202. You may call the court-appointed Ombudsman, the Legal Aid Society, at (513) 362-2801 for further information concerning your rights under the Consent Decree.

Alternatively, you may appeal the decision through standard legal process in the courts of Hamilton County in the Hamilton County Municipal Court or the Court of Common Pleas. Both of these courts are located at 1000 Main Street.

Sincerely,

Dorothy Carman
Assistant City Solicitor

enc.

Customer Service
513-352-4900

Emergency Service
513-352-4900



10,900 -
6,495 -
2,583 -

19,978 -

offer 4,400

RELEASE

Barbara and Kevin Rainey, 12183 Elkwood Drive, Cincinnati, Ohio 45240, for the sole consideration of NINETEEN THOUSAND NINE HUNDRED SEVENTY-EIGHT AND 00/100 DOLLARS (\$19,978.00), received by them to their satisfaction from the City of Cincinnati, on behalf of the City of Cincinnati, its employees, successors and assigns, does hereby release and forever discharge said City of Cincinnati, its employees, successors and assigns, from any and all claims, demands, actions and causes of action whatsoever or in any manner arising from a "Water-in-Basement" incident on or about March 18, 2008, at 12183 Elkwood Drive, Cincinnati, Ohio 45240.

It is further understood and agreed that the payment of said amount of money as stated above is not to be construed as an admission of liability on the part of the City of Cincinnati, its employees, successors or assigns; liability by them being expressly denied. It is expressly understood and agreed that the payment of the above stated sum of money is the sole consideration of this release and the consideration stated herein is contractual and not a mere recital. It is expressly understood and agreed that all agreements and understandings between the parties are embodied and expressed herein.

Signed by Barbara and Kevin Rainey on _____.

Barbara Rainey

Kevin Rainey